

**State of California
Office of Administrative Law**

In re:
Department of Corrections and
Rehabilitation

Regulatory Action:

Title 15, California Code of Regulations

Adopt sections: 3040.2
Amend sections: 3000, 3040.1, 3041, 3041.3,
3043.6, 3379
Repeal sections: 3999.15

**CORRECTED NOTICE OF APPROVAL OF
EMERGENCY REGULATORY ACTION**

Government Code Sections 11346.1 and
11349.6, and Penal Code Section 5058.3

OAL Matter Number: 2016-0129-01


OAL Matter Type: Emergency Operational
Necessity (EON)

This emergency operational needs rulemaking action amends and adopts regulations in Title 15 of the California Code of Regulations concerning the Long Term Offender Program (LTOP). These emergency regulations replace the LTOP pilot program at Title 15 California Code of Regulations section 3999.15, which expires on February 11, 2016, and will enable inmates serving long-term sentences to continue to receive cognitive behavioral treatment to meet their rehabilitative needs. More specifically, the emergency regulations: define the LTOP; establish eligibility and exclusionary criteria, a priority system for placement, and inmate transfer procedures; and specify that inmates are not subject to discipline for failure to participate, are exempt from the standard institution wait list merging process, and will receive priority for work reassignment upon completion of their LTOP assignment.

OAL approves this emergency regulatory action pursuant to sections 11346.1 and 11349.6 of the Government Code, and section 5058.3 of the Penal Code.

This emergency regulatory action is effective on February 18, 2016, and will expire on July 27~~28~~, 2016. The Certificate of Compliance for this action is due no later than July 26~~27~~, 2016.

Date: February 22, 2016



Dale P. Mentink
Senior Attorney

For: DEBRA M. CORNEZ
Director

Original: Scott Kernan
Copy: Rosie Ruiz

NOTICE PUBLICATION/REGULATORY SUBMISSION

(See instructions on reverse)

For use by Secretary of State only

STD. 400 (REV. 01-2013)

OAL FILE NUMBERS	NOTICE FILE NUMBER Z-	REGULATORY ACTION NUMBER	EMERGENCY NUMBER 2016-0129-01EOM
For use by Office of Administrative Law (OAL) only			
NOTICE		REGULATIONS	

ENDORSED - FILED
in the office of the Secretary of State
of the State of California

FEB 18 2016

2:20 PM

AGENCY WITH RULEMAKING AUTHORITY

California Department of Corrections and Rehabilitation

AGENCY FILE NUMBER (if any)

15-0282

A. PUBLICATION OF NOTICE (Complete for publication in Notice Register)

1. SUBJECT OF NOTICE		TITLE(S)	FIRST SECTION AFFECTED	2. REQUESTED PUBLICATION DATE
3. NOTICE TYPE <input type="checkbox"/> Notice re Proposed Regulatory Action <input type="checkbox"/> Other		4. AGENCY CONTACT PERSON	TELEPHONE NUMBER	FAX NUMBER (Optional)
OAL USE ONLY <input type="checkbox"/> Approved as Submitted <input type="checkbox"/> Approved as Modified <input type="checkbox"/> Disapproved/Withdrawn		NOTICE REGISTER NUMBER		PUBLICATION DATE

B. SUBMISSION OF REGULATIONS (Complete when submitting regulations)

1a. SUBJECT OF REGULATION(S) Long Term Offender Program		1b. ALL PREVIOUS RELATED OAL REGULATORY ACTION NUMBER(S)	
2. SPECIFY CALIFORNIA CODE OF REGULATIONS TITLE(S) AND SECTION(S) (Including title 26, if toxics related)			
SECTION(S) AFFECTED (List all section number(s) individually. Attach additional sheet if needed.)		ADOPT 3040.2 3041 AMEND 3000, 3040.1, 3041.3, 3043.6, and 3379 REPEAL 3999.15	
3. TYPE OF FILING			
<input type="checkbox"/> Regular Rulemaking (Gov. Code §11346) <input type="checkbox"/> Resubmittal of disapproved or withdrawn nonemergency filing (Gov. Code §§11349.3, 11349.4) <input type="checkbox"/> Emergency (Gov. Code, §11346.1(b))		<input type="checkbox"/> Certificate of Compliance: The agency officer named below certifies that this agency complied with the provisions of Gov. Code §§11346.2-11347.3 either before the emergency regulation was adopted or within the time period required by statute. <input type="checkbox"/> Resubmittal of disapproved or withdrawn emergency filing (Gov. Code, §11346.1) <input type="checkbox"/> Emergency Readopt (Gov. Code, §11346.1(h)) <input type="checkbox"/> File & Print <input checked="" type="checkbox"/> Other (Specify) Emergency Op. Necessity PC 5058.3	
4. ALL BEGINNING AND ENDING DATES OF AVAILABILITY OF MODIFIED REGULATIONS AND/OR MATERIAL ADDED TO THE RULEMAKING FILE (Cal. Code Regs. title 1, §44 and Gov. Code §11347.1)			
5. EFFECTIVE DATE OF CHANGES (Gov. Code, §§ 11343.4, 11346.1(d); Cal. Code Regs., title 1, §100)			
<input type="checkbox"/> Effective January 1, April 1, July 1, or October 1 (Gov. Code §11343.4(a))		<input checked="" type="checkbox"/> Effective on filing with Secretary of State <input type="checkbox"/> \$100 Changes Without Regulatory Effect <input type="checkbox"/> Effective other (Specify)	
6. CHECK IF THESE REGULATIONS REQUIRE NOTICE TO, OR REVIEW, CONSULTATION, APPROVAL OR CONCURRENCE BY, ANOTHER AGENCY OR ENTITY			
<input type="checkbox"/> Department of Finance (Form STD. 399) (SAM §6660)		<input type="checkbox"/> Fair Political Practices Commission <input type="checkbox"/> State Fire Marshal	
<input type="checkbox"/> Other (Specify)			
7. CONTACT PERSON Rosie Ruiz		TELEPHONE NUMBER (916) 445-2244	FAX NUMBER (Optional) (916) 324-6075
		E-MAIL ADDRESS (Optional) rosie.ruiz@cdcr.ca.gov	

8. I certify that the attached copy of the regulation(s) is a true and correct copy of the regulation(s) identified on this form, that the information specified on this form is true and correct, and that I am the head of the agency taking this action, or a designee of the head of the agency, and am authorized to make this certification.

SIGNATURE OF AGENCY HEAD OR DESIGNEE

DATE

TYPED NAME AND TITLE OF SIGNATORY

SCOTT KERNAN, Secretary, CDCR

For use by Office of Administrative Law (OAL) only

ENDORSED APPROVED

FEB 18 2016

Office of Administrative Law

TEXT OF PROPOSED REGULATIONS

In the following, underline indicates new or additional text and ~~strikethrough~~ indicates deleted text.

California Code of Regulations, Title 15, Division 3, Adult Institutions, Programs and Parole

Chapter 1. Rules and Regulations of Adult Operations and Programs

TABLE OF CONTENTS is amended deleting the title in Section 3040.2 and new title is adopted to read:

3040.2 ~~Bridging Education Program. [Repealed]~~ Long Term Offender Program.

Article 1. Behavior

Section 3000. Definitions.

Section 3000 is amended to alphabetically merge the definition below with those that exist in the regulations.

*

*

*

Long Term Offender Program means a voluntary program that provides Cognitive Behavioral Treatment and other rehabilitative programs to inmates who are subject to parole suitability hearings conducted by the Board of Parole Hearings.

*

*

*

Note: Authority cited: Sections 243(f)(4), 2717.3, 3000.03, 5058, 5058.3 and 1170.05, Penal Code; Section 10115.3(b), Public Contract Code; and Sections 4525(a), 4526 and 14837, Government Code. Reference: Sections 186.22, 243, 314, 530, 532, 600, 646.9, 653m, 832.5, 1170.05, 1203.8, 1389, 2080, 2081.5, 2600, 2601, 2700, 2717.1, 2717.6, 2932.5, 3003.5(a), 3020, 3450, 3550, 4570, 4576, 5009, 5050, 5054, 5068, 7000 et seq. and 11191, Penal Code; Sections 1132.4 and 1132.8, Labor Code; Sections 10106, 10108, 10108.5, 10115, 10115.1, 10115.2, 10115.3 and 10127, Public Contract Code; and Section 999, Military and Veterans Code; Section 391, Code of Civil Procedure; Section 297.5, Family Code; Sections 8550, 8567, 12838 and 12838.7, Government Code; Governor's Prison Overcrowding State of Emergency Proclamation dated October 4, 2006; *In re Bittaker*, 55 Cal.App. 4th 1004, 64 Cal. Rptr. 2d 679; Section 11007, Health and Safety Code; and *Madrid v. Cate* (U.S.D.C. N.D. Cal. C90-3094 TEH).

Article 3. Work and Education

Section 3040.1. Cognitive Behavioral Treatment and Substance Abuse Treatment Criteria.

Subsection 3040.1(a) is amended to read:

(a) Prisons may establish Cognitive Behavioral Treatment (CBT) programs to provide evidence-based treatment services to inmates. Priority placement into CBT programs shall be for inmates who have a

criminogenic need for the specific CBT program as identified by a validated automated risk and needs assessment tool. For placement into a CBT program, the inmate's remaining time to serve shall be within the prescribed length of participation required for the CBT program, with the exception of placement into a Long Term Offender Program as outlined in Section 3040.2. CBT programs include but are not limited to Substance Abuse Treatment (SAT), Criminal Thinking, Anger Management and Family Relationships.

Subsections 3040.1(b) – 3040.1(d) remain unchanged.

Note: Authority cited: Section 5058, Penal Code. Reference: Section 5054, Penal Code.

Section 3040.2. ~~Bridging Education Program.~~ Long Term Offender Program.

New subsection 3040.2(a) is adopted to read:

(a) The Long Term Offender Program (LTOP) is a voluntary program that provides Cognitive Behavioral Treatment (CBT) and other rehabilitative programs to inmates who are subject to a Board of Parole Hearings parole suitability hearing as described in CCR Title 15, Division 2, Section 2280, Parole Consideration Criteria and Guidelines for Life Prisoners. All LTOP participants shall be provided Victim Impact and Denial Management programs. Prisons may establish an LTOP to provide evidence-based treatment services for inmates who meet the eligibility criteria specified in subsections 3040.2(c)-3040.2(c)(3).

New subsection 3040.2(b) is adopted to read:

(b) Inmates assigned to an LTOP are subject to the program participation requirements of section 3040 and the performance requirements of section 3041. The LTOP shall operate as a voluntary program, and inmates who are enrolled in LTOP are not subject to disciplinary action pursuant to subsections 3314(a)(3)(F) and 3315(a)(3)(J) or placement into Work Group C or Privilege Group C pursuant to subsections 3044(b)(5)(A) and 3044(f)(1)(A), solely for refusing to participate, but may be removed from LTOP.

New subsections 3040.2(c) - 3040.2(c)(3) are adopted to read:

(c) Inmates who meet the following criteria may be considered for placement into LTOP:

(1) Reside within the General Population and does not have case factors that would preclude placement at an institution operating an LTOP.

(2) Must have a criminogenic need identified by an automated needs assessment tool, as described in section 3000.

(3) Is serving an indeterminate sentence with the possibility of parole or a long term determinate sentence and be within one to five years from a parole suitability hearing. Inmates housed at an institution operating an LTOP who have less than one year remaining to their parole suitability hearing may be considered on a case-by-case basis.

New subsection 3040.2(d) is adopted to read:

(d) Inmates who are enrolled in the Mental Health Services Delivery System (MHSDS) at the Correctional Clinical Case Management System (CCCMS) or Enhanced Outpatient (EOP) Level of Care may be considered for participation in an LTOP if they meet the listed eligibility criteria. However, due to their higher need for psychiatric services, EOP inmates shall only be approved on a case-by-case basis, if they can benefit from the program as determined by an Interdisciplinary Treatment Team.

New subsections 3040.2(e) - 3040.2(e)(2) are adopted to read:

(e) Long Term Offender Program Exclusionary Criteria:

(1) The inmate has been found guilty of a Division A, B or C disciplinary offense, as described in section 3323, within the last 12 months. Division C disciplinary offenses for inmate manufactured alcohol or possession of controlled substances are non-exclusionary, and inmates may still be considered for the LTOP.

(2) The inmate has served a Security Housing Unit (SHU) term and less than 12 months have passed since the Minimum Eligible Release Date, as defined in section 3000, or if the SHU term was suspended and less than 12 months have passed since the date of the suspension action.

New subsections 3040.2(f) and (f)(1) are adopted to read:

(f) Assignments and transfers.

(1) Placement into and removal from an LTOP assignment shall be by classification committee action pursuant to subsection 3375(c).

New subsections 3040.2(f)(2) through 3040.2(f)(2)(B) are adopted to read:

(2) Priority for assignment into LTOP is based on the following:

(A) First, inmates who are closest to their next subsequent parole suitability hearing as described in CCR Title 15, Division 2, Section 2306, Subsequent Parole Hearing.

(B) Second, inmates who are closest to their initial parole suitability hearing as described in CCR Title 15, Division 2, Section 2304, Initial Parole Hearing.

New subsections 3040.2(f)(3) through 3040.2(f)(5) are adopted to read:

(3) Inmates assigned to an LTOP may be assigned in combination with other institutional assignments.

(4) Upon completion of the LTOP assignment, if the inmate requests placement back into a similar work assignment held prior to placement in LTOP, they shall receive priority placement over all other inmates with the exception of those offenders who have also participated in LTOP. In these situations, first priority for assignment will be given by the oldest LTOP completion date. The assignment process provided in this subsection does not guarantee placement back into the exact position and/or pay rate held prior to assignment into LTOP. Furthermore, for purposes of this section, priority means that an inmate will be placed at the top of the institution's waiting list for reassignment. It does not mean that the inmate can replace another inmate from his or her current assignment.

(5) Inmates may receive temporary transfers to an institution operating an LTOP. Inmates who receive temporary transfer shall normally be returned back to the sending institution upon completion of the LTOP assignment unless case factors preclude the transfer.

Note: Authority cited: Sections 5058, Penal Code. Reference: Sections 2933 and 5054, Penal Code.

Section 3041. Performance.

Subsections 3041(a) through 3041(c) remain unchanged.

Subsection 3041(d) is amended to read:

(d) Inmates assigned to educational, Career Technical Education, Reentry Hub assignments, Long Term Offender Program (LTOP) assignments, substance abuse treatment, or other training programs must cooperate with the instructor or the person in charge, and must comply with instructions, and all requirements for participation in the assigned activity. LTOP participants will be removed from the program per subsection 3040.2(b).

Subsections 3041(e) through 3041(e)(2) remain unchanged.

Note: Authority cited: Section 5058, Penal Code. Reference: Section 5054, Penal Code; and Sections 2297, 2318, 2320 and 1798 et seq., Civil Code.

Section 3041.3. Inmate/Parolee Access to Computers.

Subsection 3041.3(a) is amended to read:

(a) Inmates shall not access any computer outside of their authorized work, Career Technical Education program, educational assignment, Reentry Hub, Long Term Offender Program or substance abuse treatment assignment, or as needed for legal research on the Law Library Electronic Delivery System, except as authorized by the department's Information Security Officer (ISO).

Subsections 3041.3(b) through 3041.3(c)(1) remain unchanged.

Subsection 3041.3(c)(2) is amended to read:

(2) Inmates assigned to one computer for work, Career Technical Education program, education, Reentry Hub, Long Term Offender Program or substance abuse treatment shall not be assigned to, or permitted to use, any other computer, except as approved by the ISO.

Subsections 3041.3(d) through 3041.3(n) remain unchanged.

Note: Authority cited: Section 5058, Penal Code. Reference: Sections 502, 502.7 and 2702, Penal Code.

Article 3.5 Credits

Section 3043.6. Impact of Transfer on Credit Earning.

Subsections 3043.6(a) through 3043.6(a)(2) remain unchanged.

Subsection 3043.6(a)(3) is amended to read:

(3) With the exception of inmates assigned pursuant to subsections 3040.2(f)(2) and 3040.2(f)(4), A an inmate in a work assignment at the sending institution shall be placed on an existing waiting list at the receiving institution. If eligible, inmates on waiting lists at sending institutions shall be merged into the

receiving institution's waiting list based on credit earning status, release date, and the length of time they have spent on the sending institution's waiting list. Inmates who are day-for-day eligible per Penal Code section 2933 shall be given priority for assignment with the exception of Senate Bill (SB) 618 Participants who, as defined in section 3000, pursuant to the provisions of subsection 3077.3(b)(1), and subject to the provisions of 3077.3(f), shall be placed at the top of an institution's waiting list and given priority for assignment. Inmates shall be merged into the receiving institution's waiting list in the following manner:

Subsections 3043.6(a)(3)(A) through 3043.6(f) remain unchanged.

Note: Authority cited: Section 5058, Penal Code. Reference: Sections 1203.8, 1364, 2684, 2690, 2933, 2933.05, 2933.3, 2933.6, 5054 and 5068, Penal Code.

Subchapter 4. GENERAL INSTITUTION REGULATIONS

Article 10. Classification

Section 3379. Inmate Transfers.

Subsections 3379(a) through 3379(a)(10)(B)2 remain unchanged.

New subsection 3379(a)(11) is adopted to read:

(11) Long Term Offender Program (LTOP) Transfers. Inmates who meet the criteria for placement into an LTOP may receive a temporary transfer to an institution operating an LTOP, pursuant to subsection 3040.2(f)(5). Upon completion of the program, they shall be transferred back to the sending institution unless case factors preclude the transfer.

Subsections 3379(b) through 3379(d)(4) remain unchanged.

Note: Authority cited: Section 5058, Penal Code. Reference: Sections 2911, 5025, 5054, 5068, 5080 and 11191, Penal Code; Sections 8550 and 8567, Government Code; Governor's Prison Overcrowding State of Emergency Proclamation dated October 4, 2006; *Armstrong v. Schwarzenegger*, United States District Court, N.D. Cal., No. C-94-2307 CW, Stipulation and Proposed Order issued November 30, 2006; *Coleman v. Schwarzenegger*, United States District Court, E.D. Cal., No. CIV-S-90-0520 LKK JFM P, Order issued November 6, 2006; and *Whitaker v. Rushen* (9th Cir. 1983) 720 F.2d 1132, 1135.

Subchapter 8. PILOT PROGRAMS

Article 1. Pilot Programs.

Section 3999.15. Pilot Program for Long-Term Offenders.

State of California Department of Corrections and Rehabilitation
Memorandum

INSTRUCTIONAL MEMORANDUM

Date:

To:

Associate Directors, Division of Adult Institutions

Wardens
Classification and Parole Representatives
Correctional Counselor IIIs—Reception Centers
Correctional Case Records Managers
Regional Parole Administrators

Subject: **PILOT PROGRAM FOR LONG-TERM OFFENDERS**

PURPOSE

This memorandum announces the implementation of the California Department of Corrections and Rehabilitation (CDCR), Division of Rehabilitative Programs (DRP), Long Term Offender Pilot Program (LTOPP). The purpose of the LTOPP is to provide inmates who are serving long term sentences with evidence-based Cognitive Behavioral Treatment (CBT) programs with the goal of minimizing the risk to society if released, and provide services upon release to allow an easier transition back into society. This memorandum defines staff responsibilities and establishes a uniform process for identifying and processing inmates into and out of the LTOPP.

PILOT PROGRAM REQUIREMENTS

The LTOPP is being implemented under the authority of Penal Code (PC) Section 5058.1. This pilot program is intended to serve inmates who have been identified as having moderate to high criminogenic needs and are serving indeterminate sentences with the possibility of parole.

PILOT PROGRAM DURATION AND LOCATIONS

The LTOPP will be initiated at the following locations:

- California State Prison, Solano (SOL), Vacaville, California
- Central California Women's Facility (CCWF), Chowchilla, California
- California Men's Colony (CMC), San Luis Obispo, California
- Long Term Offender Reentry Facility (LTOPP), counties to be determined

In addition, locations for parolees are being planned and the pilot program is expected to be implemented at those locations in early 2015. The pilot program will be in effect for a 24-month period from January 1, 2014 through December 31, 2015, at which time it will lapse by operation of law if it has not already been formally promulgated through the Administrative Procedure Act. There will be an ongoing assessment of the pilot project by the Division of Rehabilitative Programs Assessments Unit, which will monitor the implementation and effectiveness of the policy and procedures as set forth in this plan.

BACKGROUND

In accordance with “*The Future of California Corrections, A Blueprint to Save Billions of Dollars End Federal Court Oversight, and Improve the Prison System*”, the Department was tasked to increase the percentage of inmates served in rehabilitative programs prior to release to 70 percent of the Department's target population. In reaching that goal, the Department is employing additional structured programs to address particular criminogenic needs such as substance abuse, criminal thinking, anger management, and family relationships. In addition, the Department has developed a reentry model program specifically designed for offenders who have served very long sentences.

In addition, the Department has become aware the number of life term offenders who have been released after serving a significant amount of time has steadily increased. Due to the length of time served on their sentences, these offenders are often not prepared for the significant changes in technology and day to day living activities that have occurred since they were first incarcerated. To ease the transition back to society, in addition to providing in-prison CBT programs, the Department will also provide transition services specifically designed to meet this population's needs when released.

PROGRAM STRUCTURE

The LTOPP is a voluntary program in which a qualified contractor will provide CBT programming for offenders who have been assessed by the Correctional Offender Management Profiling for Alternative Sanctions (COMPAS) as having moderate to high criminogenic needs. The contractor shall operate an evidence-based program based on principles and practices that have been proven to reduce recidivism. The program will provide evidence-based CBT for the following major offender programming areas:

- Substance Abuse
- Criminal Thinking
- Victim Impact
- Anger Management
- Family Relationships

Treatment will normally be delivered in individual or group settings utilizing motivational interviewing techniques, but may also include homework activities. Treatment groups will not exceed 3.25 hours in length and will be provided at no more than a 12 to 1, participant to Therapeutic Counselor (TC), ratio. The number of treatment slots is based on institutional programming space as follows:

Institution	Substance Abuse	Criminal Thinking	Victim Impact	Anger Management	Family Relationships
CMC	96	48	48	48	48
SOL	120	72	72	72	72
CCWF	72	24	24	24	24

Certified and non-certified peer mentors may also be utilized by the contractor to deliver treatment services. Contract staff shall provide participants with frequent reinforcement and acknowledgement for positive behaviors as well as consistent and predictable feedback for negative behavior.

The average duration of the individual program components will be as follows:

- Substance Abuse: five months, five days per week, Monday through Friday
- Criminal Thinking: three months, two days per week, Mondays and Wednesdays
- Victim Impact: two months, two days per week, Tuesdays and Thursdays
- Anger Management: three months, two days per week, Mondays and Wednesdays
- Family Relationships: three months, two days per week, Tuesdays and Thursdays

Based on initial and ongoing criminogenic needs, the contractor will develop an individualized treatment plan for each participating offender which shall be maintained in a treatment file and updated accordingly. The contractor will also record program data on each participating offender as well as daily attendance and monthly progress.

Each participating offender will be monitored for the duration of time they are participating in the program. Pre and post assessments will be completed for each program component to determine the degree of success or failure the offender has had in addressing his or her criminogenic needs.

PROGRAM PROCEDURES

1. Initial Implementation

Eligibility

In order to be eligible for participation in the LTOPP, inmates must meet the following requirements:

- Must be residing within the General Population.
- Must be willing to participate.
- Must have moderate or high criminogenic needs as identified in the COMPAS, Reentry Men's/Women's Long Term Offender Reentry Assessment (LTORA).
- Must be serving an indeterminate sentence with the possibility of parole. Offenders who have already appeared before the Board of Parole Hearing (BPH) for a parole suitability hearing and were denied parole for a three year period will receive first priority for placement in the program. If insufficient numbers exist for program placement, three year stipulations to unsuitability will receive the next priority followed by five year denials and five year stipulations. Female inmates may also be considered for placement within one to five years of their Minimum Eligible Parole Date, if they have remained disciplinary free during that one to five year time frame and no other potential candidates exist to assign from above noted categories.
- *Armstrong* and *Clark* class members are not excluded if their current disabilities do not prevent housing at the pilot locations. Inmates enrolled in the Mental Health Delivery System at the Enhanced Outpatient level of care may participate on a case by case basis if they can benefit from the program as determined by the Inter Disciplinary Treatment Team.
- Inmates who have been deemed totally medically disabled shall require medical clearance from health care staff and will require a classification committee action to review the clearance and approve placement.

Staffing

DRP has established the following positions on a limited term basis to assist in managing the LTOPP:

LOCATION	POSITIONS
SOL	(1) Correctional Counselor (CC) III/Long Term Offender Pilot Program Manager (LTOPPM)
	(1) Parole Service Associate
CCWF	(1) CC II Specialist/Assistant LTOPPM
CMC	(1) CC II Specialist/Assistant LTOPPM

2. Initial Program Placement

Identification and Assessment

During initial implementation, it is anticipated the vast majority of the inmates participating in the program will already be housed at the designated LTOPP institutions; however, transfers may be required based on program needs. A list of eligible offenders who are currently housed at the pilot location will be generated by DRP staff. Each offender on the eligibility list will be asked if they will agree to participate in the program and take a COMPAS Reentry Assessment prior to enrollment. Those offenders willing to participate will be referred to Parole Planning and Placement (PPP) staff who will administer the Men's/Women's LTORA instrument.

3. Inmate Assignment Process

Classification Committee Review

Placement into the LTOPP shall be as a result of a Unit Classification Committee (UCC) action. Once an inmate has completed the LTORA, the inmate's assigned CC I shall present the case to UCC and place the inmate in one or more of the below noted waiting lists (W/L) based on the inmate's individual criminogenic needs. The UCC action may be held in absentia due to the non-adverse nature of the proceedings.

Once an offender has completed the LTOPP, a CDCR Form 128B1, *Notice of Classification Hearing*, shall be generated by the LTOPP Program Manager and referred to the inmate's assigned CC. The CC shall schedule the inmate for a UCC review and shall remove the offender from the LTOPP and place them onto an appropriate work W/L. If the inmate requests placement back into a similar work assignment to what he or she held prior to placement into the LTOPP, the inmate shall receive priority placement over all other inmates on the work W/L with the exception of those offenders who have already participated in the LTOPP. UCC shall alert the IAO of the inmate's priority status. In these situations however, placement back into the exact position and/or pay rate held prior to placement into the LTOPP is not guaranteed.

Inmate Assignment Office

Until the Classification and Inmate Assignment components in the Strategic Offender Management System have been implemented, the Inmate Assignment Officer (IAO) at the LTOPP institutions shall establish Inmate Work Training Incentive Program (IWTIP) W/L in the Data Distribution Processing System (DDPS) for the following LTOPP CBT programs:

LTOPP CBT Program	DDPS WL Code
Substance Abuse	SO2
Criminal Thinking	CT2
Victim Impact	VI2
Anger Management	AM2
Family Relationships	FR2

The IAO shall also create IWTIP positions for each of the above noted LTOPP CBT programs. These IWTIP positions shall be created at a 12 to 1, inmate to TC, ratio; however, positions may be brought up and taken down on an ongoing basis depending on the number of candidates on each LTOPP W/L. Prior to eliminating any positions, approval will be required from the LTOPPM/Assistant Manager and DRP Headquarter staff.

For assignment purposes, the IWTIP code for these new positions is "T". The corresponding Position ID Prefixes are listed below:

LTOPP CBT Program	IWTIP Code	Position ID Prefix
Substance Abuse	T	SO2

Criminal Thinking	T	CRT2
Victim Impact	T	VIM2
Anger Management	T	ANM2
Family Relationships	T	FAM2

All assignments to LTOPP CBT programs will be in accordance with each individual inmate's treatment plan as determined by the LTOPPM and contract staff, and will be coordinated through the IAO.

In order to support institutional operations, the institution shall have the ability to identify critical assignments that can be filled on a temporary basis from a work W/L while the inmates occupying the critical assignments are assigned to the LTOPP. Once the LTOPP is completed, inmates will resume their previous assignments, and inmates filling the temporary positions will be returned to appropriate work W/L. These assignment changes shall be made by the IAO and shall not require a classification committee action.

Inmates assigned to critical assignments may also be assigned to a LTOPP half time position and half time to their current assignment. Half time assignments however, shall be approved by the LTOPPM and the IAO.

4. Ongoing Program Placement

Identification and Assessment

Following the initial placement process, all inmates shall be referred to the LTOPP as part of their post board UCC review. During the inmate's parole suitability hearing, the BPH panel will explain the LTOPP to those inmates who have been denied parole and meet the eligibility criteria to participate. If the inmate chooses to participate in the LTOPP and is willing to take the LTORA, the BPH panel will mark the "other" box in the Panel Recommendations and Request portion of the BPH Form 1001, *Board of Parole Hearings Life Prisoner Hearing Decision Face Sheet*, along with writing "recommend placement in the LTOPP if available."

Within one working day of receipt of the BPH Form 1001, Case Records shall provide a copy of the form to the C&PR or designee. The C&PR or designee shall forward a copy of the BPH Form 1001 to the institution's PPP staff alerting them of the need to conduct a LTORA within 40 calendar days.

Classification Committee Review

In order to review the LTORA, the inmate's assigned CC shall have up to 45 calendar days to conduct a post board review on the inmates who have agreed to participate in the LTOPP. Utilizing the LTORA, the CC shall determine if the inmate has a criminogenic need that would warrant placement into the program. If the offender is located at CSP SOL, CCWF, or CMC, the CC will place the offender in an appropriate LTOPP W/L via the normal classification process. If the offender is not at the above noted locations and no case factors exist that would preclude transfer, the CC shall refer the case for endorsement and transfer to a LTOPP institution.

At the time of the transfer endorsement, the Classification Services Representative shall note on the CDCR Form 128G, **Classification Chrono**, that the offender shall be returned to the sending institution upon completion of the LTOPP unless other precluding factors exist. Upon arrival at the LTOPP institution, the assigned CC shall review the LTORA and place the inmate on an appropriate LTOPP W/L during the inmate's Initial Classification Committee Review. Upon completion of the LTOPP, the inmate's assigned CC shall take the inmate back to UCC, and if no precluding factors exist, shall submit the case for transfer back to the sending institution.

5. Reentry Placement

Life Term Suitability Hearing

In the event an inmate is found suitable for parole during his or her Parole Suitability Hearing, the BPH panel members shall consider on a case by case basis if placement into a LTORF is appropriate. Placement shall be based on the inmate's parole plans, community support, job skills, and ability to function in the community following a lengthy period of incarceration. If placement into the LTORF is deemed appropriate, the BPH panel shall impose a special condition of parole to participate in a LTORF program. Based on LTORF program space availability, the BPH may also order out of the county placement in order to participate in the program. Prior to release, the BPH Investigations Unit shall ensure that program space is still available at the LTORF. If space is unavailable, the BPH Investigations Unit will determine if program space is available at an alternative LTORF. If space is available at an alternative site, the special condition of parole may be altered to order placement into the facility. If space is unavailable, the BPH shall remove the special condition of parole prior to release. Questions or concerns regarding the LTOPP should be directed to Michael Mott, Facility Captain, Retired Annuitant, via email at Michael.Mott@ceder.ca.gov or via telephone at (916) 327-1944, or Nicole Danbacher, CC II, via email at Nicole.Danbacher@ceder.ca.gov or via telephone at (916) 324-8730.

/s/:

MILLCENT TIDWELL

Director

Division of Rehabilitative Programs

ee:

Jeffrey Beard

Rodger Meier

Kelly Harrington

Maritza Rodriguez

D. K. Johnson

Montaigne White

Michael Mott

/s/:

M. D. STAINER

Director

Division of Adult Institutions

Martin Hoshino

Bobby Haase

Kathleen Dickinson

Tim Baker

Delores Paschal

Clifford Stauss

Daniel Stone

Kathleen Allison

Vimal Singh

Tim Lockwood

Steve Smith

Nicole Danbacher